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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,093	10/04/2001	David Isherwood	52555-5015	2116
28977	7590	02/02/2004	EXAMINER	
MORGAN, LEWIS & BOCKIUS LLP			LE, UYEN CHAU N	
1701 MARKET STREET			ART UNIT	
PHILADELPHIA, PA 19103-2921			PAPER NUMBER	
			2876	

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/971,093

Applicant(s)

ISHERWOOD ET AL.

Examiner

Uyen-Chau N. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 102203.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Prelim. Amdt/Amendment

1. Receipt is acknowledged of the Preliminary Amendment and Formal Drawing on 19 March 2003, and Amendment filed 22 October 2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilz, Sr. et al (US 6,076,733).

Re claims 1-6: Wilz Sr. et al discloses a system and method for directing an end-user to a network location using information corresponding to a provider associated with the end-user, comprising a database with a plurality of records each of which is associated with a different machine-readable code 8, wherein one or more of the records has a plurality of different network addresses associated therewith, the different network address being associated with different providers; a network site at which scan information associated with one or more scans of machine-readable codes made by the end-user with a remote scanning device is received, the end-user being associated with one of the different providers; wherein in response to the scan

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information, records associated with the machine-readable codes scanned by the end-user are retrieved from the database; based on criteria specified by the provider associated with the end-user/based on an expressed goal of the end-user/based on property information of a session of the end-user on the network (figs. 4-5; col. 21, lines 44-64), at least one network address for each of the retrieved record is selected; and transmission of the at least one selected network address is initiated from the network site to the end-user (figs. 1-3; col. 10, line 1 through col. 20, line 67).

Response to Arguments

4. Applicant's arguments filed 22 October 2003 have been fully considered but they are not persuasive.

5. In response to the Applicant's argument to "Wilz does not disclose "selecting at least one network address for each of the retrieved records" based on: "criteria specified by the provider associated with the end-use"; "an expressed goal of the end-user"; or "property information of a session of the end-user on the network"..." (p. 5, 2nd and 3rd paragraphs), the examiner respectfully requests the applicant to further review Wilz, by giving its broadest reasonable interpretation, wherein from a main page of a website, the user can select one of the menu (e.g., criteria specified by the provider) to go to numbers of different sub-menus, which serves as "initiating transmission of the at least one selected network address from the network site to the end-user" (figs. 4-5; col. 21, lines 44-64). Therefore, the Internet access system as taught by Wilz Sr. et al meets the limitation of the claimed invention.

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Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Dunworth, Peter D. et al. (US 5930474 A); Csaszar et al. (US 5937404 A); Christy (US 5983221 A) are cited as of interest and illustrate a similar structure to an apparatus and system of METHOD AND SYSTEM FOR DIRECTING END USER TO SELECTED NETWORK LOCATION OF PROVIDER BASED ON USER-PROVIDED CODES.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on SUN, M, W, F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Uyen-Chau N. Le
January 24, 2004



**THIEN M. LE
PRIMARY EXAMINER**